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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 14, 2007

Mr. Stan Miles
Detrex Corporation
24901 Northwestern Highway, Suite 410
Southfield, MI 48075-5111

Re: Municipal Setting Designation (MSD) Application for the Detrex Corporation property
Located at 322 International Parkway, Arlington, TX; MSD Application No. 044

Dear Mr. Miles:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the MSD application for the above referenced facility. This letter is written to address the applicability of an MSD for a Resource Conservation and Recovery Act (RCRA) permitted storage treatment and disposal (TSD) facility.

Section 361.808(g) of the Texas Health and Safety Code states that nothing in this chapter is meant to alter or supersede any requirement of a federally authorized environmental program administered by the State of Texas. The Texas Commission on Environmental Quality (TCEQ) has been authorized by the United States Environmental Protection Agency (USEPA) to implement the federal Resource Conservation and Recovery Act (RCRA) in lieu of USEPA. There are specific requirements in 40 Code of Federal Regulations (CFR) Part 264, Subpart F related to releases from Solid Waste Management Units (SWMUs) which require monitoring, investigation, and remediation of releases of hazardous waste and hazardous constituents into the environment. Additionally, the provisions of Provision IX Corrective Action for Solid Waste Management Units contained in the RCRA permit, including investigation, response actions and groundwater monitoring are required to be performed to meet permit requirements at your facility. Therefore, the TCEQ believes that an MSD's application to this site is limited by statute.

It is possible that an MSD may be used at a later time for this facility strictly as an institutional control to prevent exposure to contaminated groundwater. However, it would be more appropriate to evaluate the applicability of issuance of a MSD certificate for that reason during the response action phase of the permit. At that time, the TCEQ could evaluate its applicability as part of a response action under the permit requirements of 40 CFR part 264. It should also be noted that there are other options for preventing exposure to groundwater that might be evaluated as well.

If you are interested at a later time in pursuing an MSD to serve as an institutional control, submittal of a response action plan incorporating the use of an MSD should be submitted prior to pursuing issuance of an MSD certificate. A new MSD application may be submitted for consideration of a MSD certificate once the above criteria have been met.

If a subsequent MSD application is submitted, please incorporate the following:

1. Revise the notification letter to account for Section 361.805(e) (Notice) of the Texas Health and Safety Code which states that the notified parties have 60 days to provide comments to the TCEQ concerning the MSD Application. The example notification letter provided does not state that the recipient may submit comments to the TCEQ. The intent of notification is to allow well owners to provide comments to the TCEQ in regards to the MSD application. Please include a statement in the notification letter reflecting that the well owner may comment to the TCEQ within 60 days from the date of the letter and reissue the notification letter to all well owners within 5 miles radius of the MSD property
2. The TCEQ recommends that the notice letter also include contact information for providing comments to the Remediation Division. The recommended contact information for submitting comments is: Mike Frew, TCEQ, Remediation Division, MC-221, P.O. Box 13087, Austin, TX 78711.
3. Provide proof the revised notification letter has been sent and received by all registered groundwater well owners within 5 miles of the MSD property. Proof of receipt should consist of signed receipts.

Should you need additional information or wish to discuss these comments, please contact me at (512) 239-5872 or mfrew@tceq.state.tx.us.

Sincerely,



Mike Frew, P.G., Project Manager
Environmental Cleanup Section II
Remediation Division

MF/ts

cc: Ms. Jackie Hardie, P.E., Director, Waste Permits Division, MC-126

Mr. Phillip Bullock, P.G.
Geomatrix Consultants, Inc.
5725 Highway 290 West, Suite 200-B
Austin, TX 78757-8722

Mr. Troy Hill, P.E., Associate Director for RCRA
US Environmental Protection Agency Region 6
1445 Ross Avenue, Suite 1200 (6PD-C)
Dallas, TX 75202